



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

OPNAVINST 5500.11E
OP-616

18 SEP 1990

OPNAV INSTRUCTION 5500.11E

From: Chief of Naval Operations

Subj: REGULATIONS GOVERNING THE ISSUANCE OF ENTRY AUTHORIZATIONS
FOR NAVAL DEFENSIVE SEA AREAS, NAVAL AIRSPACE RESERVA-
TIONS, AREAS UNDER NAVY ADMINISTRATION, AND THE TRUST
TERRITORY OF THE PACIFIC ISLANDS

Encl: (1) Subject Regulation

1. Purpose. To prescribe regulations, procedures, and criteria governing issuance of authorizations to enter certain defense areas, the entry of which is prohibited except as authorized by the Secretary of the Navy.
2. Cancellation. OPNAV Instruction 5500.11D and form OPNAV 4600-2. Any entry authorizations issued under the provisions of the canceled instruction will remain effective until expired, canceled, or revoked.
3. Information. This instruction is the primary source of information and guidance for persons seeking authorization to enter defense areas, and is authority for officers receiving and processing inquiries and applications relative to such authorizations. Correspondence issued as guidance to persons responsible for administering these regulations shall not be construed as changing this instruction.
4. Changes. Recommendations for changes in the policies, regulations, criteria, or procedures in this instruction should be made to the Chief of Naval Operations (CNO) (OP-616).
5. Forms. DD 398 (3/90), DOD Personnel Security Questionnaire (PSQ), Stock Number 0102-LF-008-5900, may be ordered from the Navy Supply System per NAVSUP P-2002. OPNAV 5500/6 (1-79), Defense Area Entry Authorization, may be obtained from Office of the Chief of Naval Operations (OP-616), Navy Department, Washington, D.C. 20350-1000.

R. J. KELLY
DEPUTY CHIEF OF NAVAL
OPERATIONS (PLANS,
POLICY AND OPERATIONS)



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I. INTRODUCTION

A. Scope. This instruction governs the entry of persons, ships, and aircraft into:

1. Naval Defensive Sea Areas and Naval Airspace Reservations established by Executive Order of the President (see paragraph IC1);

2. Areas placed under the Secretary of the Navy for administrative purposes by Executive Order of the President (see paragraph IC2);

3. The Trust Territory of the Pacific Islands (see paragraph IC3). (R)

Entry authorizations issued under this instruction do not supersede or eliminate the need for visas or other clearances or permits required by other law or regulation. (R)

The controls prescribed in this instruction requiring entry authorization do not pertain to foreign flag ships exercising their right of innocent passage under international law. The U.S. recognizes the right of innocent passage (without prior notice) for ships of all nations. (A)

B. Background and General Policy. Free entry of persons, ships, and aircraft may be restricted in certain areas due to their strategic nature or for purposes of defense. Entry into the areas listed and defined in this instruction, and military installations contiguous to or within the boundaries of defense areas, are subject to control as provided for by Executive Orders or other regulation. Persons, ships (other than those in innocent passage, as defined in Part II), and aircraft are excluded unless they are authorized admission by proper authority. (R)

These restrictions and controls will be exercised to protect the physical security of, and insure the effectiveness of, bases, stations, facilities, and other installations within or contiguous to such areas. However, control of entry into the territorial sea by foreign flag ships will be exercised consistently with the right of innocent passage.

Applications for entry made under this instruction will be processed promptly and with uniformity in interpretation and application, insofar as changing conditions permit.

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C. Authority

1. Naval Defensive Sea Areas and Naval Airspace Reservations. By Executive Orders, as amended, the President has reserved, set aside, and established the following Naval Defensive Sea Areas and Naval Airspace Reservations under the control of the Secretary of the Navy. These orders apply to specific maritime areas and airspace in and over the "territorial waters" or "the territorial waters between the extreme high water marks and the three nautical mile marine boundary." In no instance does the application of any naval defensive sea area or airspace reservation extend seaward in excess of 3 nm from the extreme high water mark. These orders provide for the exercise of control by the Secretary over the entry of persons, ships, and aircraft into the following specified areas.

a. Atlantic Areas: Guantanamo Bay Naval Defensive Sea Area and Guantanamo Bay Naval Airspace Reservation - Executive Order 8749 of 1 May 1941, 3 C.F.R. 931 (1943).

b. Pacific Areas:

(1) Honolulu Defensive Sea Area - Executive Order 8987 of 20 December 1941, 3 C.F.R. 1048 (1943).

(2) Kaneohe Bay Naval Defensive Sea Area and Kaneohe Bay Naval Airspace Reservation - Executive Order 8681 of 14 February 1941, 3 C.F.R. 893 (1943).

(3) Pearl Harbor Defensive Sea Area - Executive Order 8143 of 26 May 1939, 3 C.F.R. 504 (1943).
Pearl Harbor Airspace Reservation - Executive Order 5281 of 17 February 1930, 3 C.F.R. 273 (1939).

(4) Johnston Island Naval Defensive Sea Area and Johnston Island Naval Airspace Reservation - Executive Order 8682 of 14 February 1941, 3 C.F.R. 894 (1943).

(5) Kingman Reef Naval Defensive Sea Area and Kingman Reef Naval Airspace Reservation - Executive Order 8682 of 14 February 1941, 3 C.F.R. 894 (1943).

(6) Midway Island Naval Defensive Sea Area and Midway Island Naval Airspace Reservation - Executive Order 8682 of 14 February 1941, 3 C.F.R. 894 (1943).

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(7) Wake Island Naval Defensive Sea Area and Wake Island Naval Airspace Reservation - Executive Order 8682 of 14 February 1941, 3 C.F.R. 894 (1943).

(8) Kiska Island Naval Defensive Sea Area and Kiska Island Naval Airspace Reservation - Executive Order 8680 of 14 February 1941, 3 C.F.R. 892 (1943).

(9) Kodiak Island Naval Defensive Sea Area - Executive Order 8717 of 22 March 1941, 3 C.F.R. 915 (1943). Kodiak Island Naval Airspace Reservation - Executive Order 8597 of 18 November 1940, 3 C.F.R. 837 (1943).

(10) Unalaska Island Naval Defensive Sea Area (Dutch Harbor) and Unalaska Island Naval Airspace Reservation - Executive Order 8680 of 14 February 1941, 3 C.F.R. 892 (1943).

See paragraph ID3 for areas where entry controls are suspended.

2. Administrative Areas: By Executive Orders, as amended, the President has reserved, set aside, and placed under the control and jurisdiction of the Secretary of the Navy for administrative purposes, the following areas including, where applicable, their appurtenant reefs and territorial waters.

a. Johnston Island - Executive Order 6935 of 29 December 1934, 3 C.F.R. 297 (1939).

b. Kingman Reef - Executive Order 6935 of 29 December 1934, 3 C.F.R. 297 (1939).

c. Midway Island - Executive Order 11048 of 4 September 1962, 3 C.F.R. 632 (1959-1963 Compilation).

d. Sand Island - Executive Order 6935 of 29 December 1934, 3 C.F.R. 297 (1939).

3. The Trust Territory of the Pacific Islands (TTPI)

a. The TTPI is a strategic area administered by the United States under the provisions of a Trusteeship Agreement with the United Nations in 1947. Under Executive Order 11021 of 7 May 1972, the Secretary of the Interior is responsible for civil administration of the TTPI. By operation of Section 1 of Presidential Proclamation 5564 of 3 November 1986, the TTPI now comprises only Palau in the Western Caroline Islands. While residual authority over all executive, legislative, and judicial

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functions of government in the TTPI is retained by the Secretary of the Interior, under the authority of Secretary of Interior Order 3119 of 10 July 1987, responsibility for most functions of government has been delegated to the constitutional Government of Palau. The entry of individuals, ships, and aircraft into the TTPI is controlled by the Secretary of Interior and the Department of the Navy (DON) as follows:

- R) (1) U.S. citizens, U.S. nationals, and citizens of the TTPI. Entry into areas of the TTPI shall be controlled by the Assistant Secretary of the Interior for Territorial and International Affairs.
- (2) All Other Persons. Application for entry into the TTPI of all persons who are not U.S. citizens or U.S. nationals, or who are not citizens of the TTPI shall be directed to the Assistant Secretary of the Interior for Territorial and International Affairs for processing in accordance with the laws and regulations of the TTPI. Prior to the issuance of an authorization to enter the TTPI, the Assistant Secretary of the Interior for Territorial and International Affairs shall provide the Department of the Navy with information on each applicant for consideration and comment, thereby granting DON the right to object to the issuance of an authorization. The only exception to such DON consideration is for alien individuals who possess a valid U.S. visa and seek admission to the TTPI for a period of 30 days or less for the purpose of tourism.
- (3) Ships and Aircraft
- R) (a) The entry of ships and aircraft, other than U.S. public ships and aircraft, documented under either the laws of the United States or the laws of the TTPI, into areas of the TTPI shall be controlled solely by the Assistant Secretary of the Interior for Territorial and International Affairs.
- (b) Applications for entry, except for those areas under military control, of ships and aircraft not documented under the laws of the United States or the laws of the TTPI shall be made to the Assistant Secretary of the Interior for Territorial and International Affairs for processing in accordance with the laws and regulations of the TTPI. Prior to the issuance of an authorization to enter the TTPI, the Assistant Secretary of the Interior for Territorial and International Affairs shall provide DON with information on each applicant for consideration and comment, thereby granting DON the right to object to the issuance of an authorization.

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b. Commonwealth of the Northern Marianas. Under Sections 1 and 2 of Presidential Proclamation 5564 of 3 November 1986, the Northern Mariana Islands now have a commonwealth relationship with the United States. Access to those islands and their territorial seas is the same as access to any other U.S. territory.

(A)

4. Exercise of authority. The authority of the Secretary of the Navy to control entry of ships, planes, and persons into the areas listed in paragraph IC1 is exercised through CNO or his designated representative as set forth in this instruction.

5. Penalties. Penalties are provided by law: (a) for violations of orders or regulations governing persons or ships within the limits of defensive sea areas (62 Stat. 799; 18 U.S.C. § 2152); (b) for entering military, naval or Coast Guard property for prohibited purposes or after removal or exclusion therefrom by proper authority (62 Stat. 765; 18 U.S.C. § 1382); (c) for violation of regulations imposed for the protection or security of military or naval aircraft, airports, air facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense (DOD), any Department or agency of which said Department or agency consists, or any officer or employee of said Department or agency (50 U.S.C. § 797; Sec. 21 of the Internal Security Act of 1950 and DOD Directive 5200.8 of 29 July 1980 (NOTAL)); and (d) for knowingly and willfully making a false or misleading statement or representation in any matter within the jurisdiction of any Department or agency of the United States (18 U.S.C. § 1001).

(R)

D. Special Provisions

1. Entry into islands in the Kwajalein Atoll under military jurisdiction is controlled by the Department of the Army. Inquiries concerning entries should be directed to: Commander, U.S. Army Strategic Defense Command, Huntsville, AL 35809.

2. Entry into Johnston Island Naval Defensive Sea Area, and onto Johnston Atoll, which includes Johnston, Sand, North (Akau), and East (Hikana) Islands, is controlled by the Defense Nuclear Agency. Inquiries concerning entries into Johnston Atoll should be directed to: Commander, Johnston Atoll (FCDNA), APO San Francisco, CA 96305.

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- R) 3. Suspension of Restrictions. Restrictions have been suspended, subject to reinstatement without notice, for the following areas:
- a. All Naval Airspace Reservations, except Guantanamo Bay Naval Airspace Reservation
 - b. Honolulu Defensive Sea Area
 - c. Kiska Island Naval Defensive Sea Area
 - d. Kodiak Island Naval Defensive Sea Area
 - e. Unalaska Island Naval Defensive Sea Area
 - f. Wake Island Naval Defensive Sea Area except for entry of foreign flag ships and foreign nationals
 - g. The portion of Kaneohe Defensive Sea Area lying beyond a 500 yard buffer zone around the perimeter of the Kaneohe Bay Marine Corps Air Station (Mokapu Peninsula) and eastward therefrom to Kapoho Point, Oahu.

Suspension of restrictions on entry into a naval airspace reservation, naval defensive sea area, or naval administrative area, does not affect the authority of a commanding officer or other appropriate commander to control entry into or passage through any base, station, or other installation or area, including port or harbor facilities, under his or her jurisdiction.

II. DEFINITIONS

- R) A. Defense Area: Defense areas include naval defensive sea areas, naval airspace reservations, and naval administrative areas established consistent with international law by Executive Order of the President in which access to and the activity within are regulated by the Secretary of the Navy.
- B. Department of Defense: DOD, including the Departments of the Army, Navy, and Air Force.
- C. Entry Authorization: A document authorizing a ship, aircraft, or person to enter a defense area.

- D. Entry Control Commander: A commander empowered to issue entry authorizations for one or more defense areas.
- E. Excluded Persons: A person who does not hold a currently valid entry authorization for the area concerned. (R)
- F. Foreign Nationals: Persons who are not citizens or nationals of the United States.
- G. Innocent Passage: Innocent passage refers to continuous and expeditious transit of the territorial sea or proceeding to or from an authorized visit to internal waters or port facility. It includes stopping and anchoring, but only if incidental to ordinary navigation, rendered necessary by force majeure or distress, or for the purpose of rendering assistance to persons, ships, or aircraft in danger or distress. Passage is innocent so long as it is not prejudicial to the peace, good order, or security of the United States. Prejudicial activity is defined as follows: any threat or use of force; practice with weapons; collecting information to the prejudice of the defense or security of the United States; any act of propaganda aimed at affecting the defense or security of the United States; the launching, landing, or taking on board of any aircraft or military device; the loading or unloading of any commodity, currency, or person contrary to the customs, fiscal, immigration, or sanitary laws and regulations of the United States; any act of willful or serious pollution; any fishing, research, or survey activities; interfering with any systems of communication; or any other activity not having a direct bearing on passage. Innocent passage is a right enjoyed by ships (including warships) of all nations. The exercise of this right requires neither advance notice nor advance authorization. Innocent passage may, without discrimination in form or in fact among foreign ships, be suspended temporarily in specified areas if such suspension is essential for the protection of security. (A)
- H. Military Installation: A military activity ashore, having a commanding officer, and located in an area having fixed boundaries, within which all persons are subject to military control and to the immediate authority of a commanding officer.
- I. Public Vessel or Aircraft: A ship or aircraft owned by or operated by a government and not engaged in commercial activity.
- J. U.S. Territorial Sea: A belt of ocean, extending 12 nautical miles seaward from baselines (normally the low water mark) along the coast, over which the United States exercises sovereignty (R)

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subject to the right of innocent passage. Palau has a 3 nautical mile territorial sea.

R) K. TTPI Registry: Registration of a ship or aircraft in accordance with the laws of the TTPI.

L. U.S. Registry: Registration of a ship or aircraft in accordance with the laws and regulations of the United States.

M. U.S. Armed Forces: Military personnel of the Departments of the Army, Navy, Air Force, and the U.S. Coast Guard.

III. CRITERIA

A. General. Entry authorizations may be issued only after an Entry Control Commander, or a duly authorized subordinate acting in his or her behalf, has determined that the presence of the person, ship, or aircraft will not, under existing or reasonably foreseeable future conditions, endanger, place an undue burden upon, or otherwise jeopardize the efficiency, capability or effectiveness of any military installation located within or contiguous to a defense area. Factors to be considered include, but are not limited to, the true purpose of the entry, the personal history, character, and present or past associates of the individuals involved, the possible burdens or threats to the defense facilities which the presence of the ship, aircraft, or the individual or individuals involved impose or might reasonably be expected to impose on the related base complex. Requests for entry authorizations will be evaluated and adjudged on the basis of national security.

B. Adverse. Substantial evidence of any of the following preclude the granting of entry authorization except with the specific CNO approval.

1. Prior noncompliance with entry control regulations or failure to observe terms under which any entry authorization may have been granted.*

2. Willfully furnishing false, incomplete, or misleading information in an application for an entry authorization.*

3. Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

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4. Commission of, or attempt or preparation to commit, an act of espionage, sabotage, sedition, or treason, or conspiring with, or aiding or abetting another to commit such an act.

5. Performing or attempting to perform duties, or otherwise acting so as to serve the interest of another government to the detriment of the United States.

6. Deliberate unauthorized disclosure of classified defense information.

7. Membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

8. Serious mental irresponsibility evidenced by having been adjudged insane, or mentally irresponsible, or an incompetent, or a chronic alcoholic, or treated for serious mental or neurological disorders, or for chronic alcoholism, without evidence of cure.*

9. Conviction of any of the following offenses under circumstances indicative of a criminal tendency potentially dangerous to the security of a strategic area containing military establishments: arson, unlawful trafficking in drugs, murder, kidnaping, blackmail, or sex offenses involving minors or perversion.

10. Chronic alcoholism or addiction to the use of narcotic drugs without adequate evidence of rehabilitation.*

11. Illegal presence in the United States, its territories or possessions, having been finally subject to deportation order, or voluntary departure in lieu of deportation order, by the United States Immigration and Naturalization Service.*

12. Being the subject of proceedings for deportation, or voluntary departure in lieu of deportation, for reasons which have not been determined in the applicant's favor.*

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13. Conviction of larceny of property of the United States, willful injury to or destruction of property of the United States, fraudulent enlistment, impersonation of a commissioned officer of the United States or any State or territory thereof, or any offense involving moral turpitude, except offenses which, in the jurisdiction within which the conviction was obtained, are punishable by imprisonment for not more than one year or a fine of not more than one thousand dollars.*

* Applicable only to applications for entry into areas under military cognizance.

C. Aliens. Entry of aliens for employment or residence in an area entirely within a defense area is not authorized except when such entry would serve the interests of national security, and then only for specified periods and under prescribed conditions.

Entry of aliens for any purpose into the United States, its territories or possessions is subject to requirements imposed by laws for the obtaining of a United States visa. Naval authorization for entry into areas covered by this instruction will not be issued to a foreign national for purposes, places, or periods of time in excess of those stipulated in the visa.

Alien spouses and bona fide dependents of U.S. citizen employees of the United States may, if otherwise qualified, be granted entry authorization as long as the U.S. citizen sponsor or principal remains on duty or resides within the defense area.

D. Renewals. Entry authorizations may be extended or renewed, upon request, provided the justification for remaining in the area or for making a re-entry meets the applicable criteria. Every applicant must depart the defense areas upon expiration of his or her authorization. Failure to comply may result in denial of future authorizations.

IV. BASIC CONTROLS

A. General. Except for persons, ships, or aircraft issued entry authorizations:

- R) 1. No person, except persons aboard public vessels or aircraft of the United States, or foreign flag vessels engaged in innocent passage, shall enter any defense area;

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2. No vessel or other craft, except public vessels of the United States, shall enter any naval defensive sea area or other defense area; provided, however, foreign flag vessels shall enjoy the right of innocent passage through U.S. territorial waters in accordance with international law; (R)

3. No aircraft, except public aircraft of the United States, shall be navigated within any naval airspace reservation or the airspace over other defense areas.

B. Excluded Persons

1. Entry Prohibited. Subject to the right of innocent passage by foreign flag ships, excluded persons, as defined in paragraph IIE are prohibited from entering any defense area. In a bona fide emergency which requires an excluded person's presence in or transit through a military installation within a defense area, the commanding officer of the installation may grant permission to enter. (R)

2. Carrying Prohibited. Except in innocent passage, or in a bona fide emergency and after being authorized by the appropriate authority, no vessel or aircraft, except public vessels and aircraft of the United States, shall enter into or be navigated within any defense area while carrying any excluded person. (R)

C. Control of Violators. No commanding officer of a military installation shall permit any ship or aircraft which has entered the limits of his or her command by passing through a defense area without authorization to land, except in emergency, or if permitted to land, to disembark passengers or cargo except as necessary by emergency or as authorized by the appropriate Entry Control Commander. Commanding officers will take appropriate action to apprehend violators, and should request disposition instructions from the appropriate Entry Control Commander.

D. TTPI. When appropriate, an authorization from the Assistant Secretary of the Interior for Territorial and International Affairs is required for all persons desiring to enter the TTPI.

E. Military Areas. Entry authorized under this instruction does not affect the authority of a commanding officer or other appropriate commander to impose proper regulations pertaining to activities on military installations.

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F. Waiver Prohibited. No officer of the U.S. Armed Forces, except as authorized in writing by CNO, has authority to waive the requirements of this instruction.

V. ENTRY AUTHORIZATION

- R) A. General. As indicated in paragraph IVA, certain persons, ships, and aircraft must be authorized under this instruction to enter defense areas.

Except for foreign flag vessels engaged in innocent passage, each person, when entering or transiting a defense area by ship or aircraft, must have a valid authorization.

When essential for national security, entry control commanders may temporarily suspend innocent passage in areas lying within naval defensive sea areas under their cognizance. Such suspensions shall be imposed without discrimination in form or in fact among foreign ships. Suspensions will be reported to CNO (OP-616).

B. Entry Control Commanders. The following commanders are designated Entry Control Commanders with authority to approve or disapprove entry authorizations for persons, ships, or aircraft as indicated. (Commander Seventeenth Coast Guard District has been designated an Entry Control Commander by the authority of the Commandant, U.S. Coast Guard and Commander, Pacific Area, U.S. Coast Guard.)

1. Chief of Naval Operations: Authorization for all persons, ships, or aircraft to enter all defense areas.
2. Commander in Chief, U.S. Atlantic Fleet: Authorization for all persons, ships, or aircraft to enter defense areas in the Atlantic.
3. Commander in Chief, U.S. Pacific Fleet: Authorization for all persons, ships, or aircraft to enter defense areas in the Pacific.
4. Commander, Fleet Air Caribbean: Authorization for all persons, ships, or aircraft to enter the Guantanamo Bay Naval Defensive Sea Area and the Guantanamo Bay Naval Airspace Reservation.

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5. Commander, U.S. Naval Base, Guantanamo Bay: Authorization for all persons, ships, or aircraft to enter the Guantanamo Bay Naval Defensive Sea Area and the Guantanamo Bay Naval Air-space Reservation.

6. Commander, U.S. Naval Base, Pearl Harbor: Authorization for all persons to enter Midway and authorization for all persons, ships, and aircraft to enter Kingman Reef, Kaneohe Bay Naval Defensive Sea Area, Pearl Harbor Defensive Sea Area, and Filipino workers employed by U.S. contractors to enter Wake Island. (R)

7. Commander, Maritime Defense Zone Pacific: Upon activation of the Maritime Defense Zone Pacific, the Commander, Maritime Defense Zone Pacific is designated entry control commander for Honolulu Defensive Sea Area; Kaneohe Bay Naval Defensive Sea Area; Pearl Harbor Defensive Sea Area; Midway Island Defensive Sea Area; Kiska Island Naval Defensive Sea Area; Kodiak Island Naval Defensive Sea Area; and Unalaska Island Naval Defensive Sea Area. (A)

8. Commander, U.S. Naval Forces, Marianas: Authorization, in conjunction with the Assistant Secretary of the Interior for Territorial and International Affairs, for non-U.S. citizens, ships, or aircraft documented under laws other than those of the United States or the TTPI to enter the TTPI.

9. Senior Naval Commander in Defense Area: Emergency authorization for persons, ships, or aircraft in cases of emergency or distress. In all cases, CNO (OP-616) and, as appropriate, the Commander in Chief, U.S. Atlantic Fleet or the Commander in Chief, U.S. Pacific Fleet, and other interested commands, shall be informed of action.

10. U.S. Coast Guard: The U.S. Coast Guard regulates the movement of shipping within the Honolulu Harbor pursuant to Executive Orders 10173 and 10289; such shipping is under U.S. authorized supervision within the meaning of Executive Order 8987. The Commander, Naval Base, Pearl Harbor, HI, as representative of the Secretary of the Navy, retains responsibility for security of the Honolulu Defensive Sea Area, as required by naval interest, and may issue amplifying instructions relating to the Honolulu Defensive Sea Area.

11. Director, Defense Nuclear Agency: The Director regulates entry authorizations for the areas under his or her cognizance as indicated in paragraph ID2. (A)

- A) 12. Commander, U.S. Army Strategic Defense Command: The Commander regulates entry authorizations for the areas under his or her cognizance as indicated in paragraph ID1.

C. Persons

1. Group Authorizations. Persons in the following categories, except those persons who have been denied individual authorization or have had an authorization revoked, may enter the defense areas indicated without individual authorization.

a. Persons aboard U.S. public vessels or aircraft entering a Naval Defensive Sea Area or a Naval Airspace Reservation.

b. Members of the U.S. Armed Forces or U.S. civil service employees of the Department of Defense when traveling on official orders.

c. U.S. Ambassadors, cabinet members, elected U.S. Government officers, and U.S. citizen civil service employees of the U.S. Government traveling on official orders on U.S. Government business may enter defense areas as required by their orders.

d. Dependents of members of the U.S. Armed Forces and U.S. citizen dependents of U.S. civil service employees traveling on official orders and entering for purposes of joining a principal permanently stationed in an area covered by this instruction.

e. U.S. Navy contract technicians, U.S. Army contract technicians, or U.S. Air Force contract technicians, who are traveling on official (does not include invitational) travel orders on U.S. Government business, may enter defense areas as required by such orders.

f. Individuals on board any foreign public vessel or aircraft which has been granted diplomatic or other official U.S. Government authorization to enter an area covered by this instruction.

g. In-transit passengers and bona fide regularly employed crew members, unless otherwise excluded, on non-public vessels authorized to enter areas covered by this instruction. That does not include an authorization to disembark at a port contiguous to or within the areas covered in this instruction.

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Application for authorization to disembark may be submitted to an Entry Control Commander having jurisdiction over the port.

h. In-transit passengers and bona fide regularly employed crew members, unless otherwise excluded, on non-public aircraft authorized to enter areas covered by this instruction. Such persons are subject to local regulations governing entry into or movement within military air stations or facilities. Application for authorization to disembark may be submitted to an Entry Control Commander having jurisdiction over the air facility.

i. U.S. citizen news correspondents and photographers when properly accredited by the Department of Defense to enter areas covered by this instruction, except that special authorization is required to enter the restricted areas listed in paragraph I.D. of this instruction.

2. Individual Authorizations

a. Application - Filing. Applications for authorization to enter defense areas shall be filed with one of the following:

(1) Chief of Naval Operations

(2) Commander in Chief, U.S. Atlantic Fleet

(3) Commander in Chief, U.S. Pacific Fleet

(4) Commander, Second Fleet

(R

(5) Any Naval Base Commander

(R

(6) Any Naval Attache

The commander or attache with whom the application is filed is responsible for taking action on the application (if authorized) or for forwarding the application to the appropriate Entry Control Commander. Applications received in the United States and those received indicating that the applicant has resided in the United States for all, or substantially all, of the ten years immediately prior to date of request will normally be forwarded to CNO (OP-616) for action. In all cases where the forwarding activity has information regarding the applicant or his or her employer, appropriate comment and recommendation will be included.

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b. Form. Applications for entry authorizations will be made on the form DD 398, "Personnel Security Questionnaire," which is available at most military installations. In addition to the information required by the form, an entry application shall include the following additional information under Item 20, "Remarks."

- "21. Purpose of proposed visit: (Detailed statement including names of principal persons, firms, or establishments to be visited)
- "22. Proposed duration of visit:
- "23. Estimated date of arrival:
- "24. Address to which authorization should be mailed:"

In the event that a DD 398 is not available, a locally produced form containing identical information including the certification and signature of applicant and witness may be used.

Incomplete forms will be returned.

When time is of the essence, applications may be forwarded by message to the appropriate Entry Control Commander and shall include:

- (1) Name of applicant
- (2) Date and place of birth
- (3) Citizenship
- (4) Residence for last ten (10) years
- (5) Employers and their addresses for last ten years
- (6) Results of Local Agency Check, if pertinent
- (7) Place to be entered and date of entry
- (8) Purpose of entry and duration of stay
- (9) Comments and recommendations of forwarding officer

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(10) A statement that a completed DD 398 or appropriate substitute has been mailed.

c. Processing. The Entry Control Commander upon receipt of an application shall:

(1) investigate, as necessary, to determine whether entry of the applicant is in accordance with the criteria set forth above; and

(2) request additional information from the applicant, if required; or

(3) issue an entry authorization as requested, or modified as circumstances require; or

(4) deny the request and advise the applicant of his right to appeal; or

(5) forward the application to the next superior in command, together with a statement of the investigation conducted, the reason for forwarding, and comments and recommendations, as appropriate.

d. Authorizations. Entry authorizations will state the purpose for which the entry is authorized and such other information and conditions as are pertinent. Authorizations issued to resident U.S. citizens may be valid for up to two years. Authorizations issued to U.S. citizens residing abroad and to aliens may be valid for up to one year.

D. Ships

1. Group Authorizations. Ships or other craft in the following categories, except those ships which have been denied individual authorization or have had a prior authorization revoked, may enter the defense areas indicated without individual authorization.

a. U.S. public vessels, to enter all defense areas

b. U.S. private vessels which are: (1) under charter to DOD (including the Military Sealift Command), or (2) operating under a contract or charter with DOD providing for the employment of such vessels, or (3) routed by a Naval Control of Shipping Office, or (4) employed exclusively in support of and in connection with a DOD construction, maintenance, or repair contract and

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whose crews carry individual entry clearances, to enter defense areas as authorized by controlling Defense Department agency.

c. Privately owned local craft, registered with and licensed by appropriate local U.S. Government authorities, and owned and operated by local inhabitants who have been granted an authorization to enter the local defense area at the discretion of the local commanders.

d. Foreign flag ships traveling on diplomatic or other special clearance, or for which special arrangements have been made under international agreements or treaties.

e. Ships operating under a group authorization issued by CNO.

f. Ships in distress, subject to local clearances and control by senior officer present.

2. Individual Authorizations

a. Applications. Applications for authorization to navigate ships within the limits of defense areas shall be made by letter or telegram to the appropriate entry control commander. Applications shall include the following information, as well as any additional information that may be relevant to the proposed operation.

(1) Name of ship

(2) Place of registry and registry number

(3) Name, nationality, and address of operator

(4) Name, nationality, and address of owner

R) (5) Gross tonnage of ship and function of ship

(6) Nationality and numbers of officers and crew
(include crewlist when practicable)

(7) Number of passengers (include list when practicable)

(8) Last port of call prior to entry into area for which clearance is requested

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(9) Purpose of visit

(10) Proposed date of entry and estimated duration
of stay

b. Processing. Authorization for single entries, or for multiple entries for a period not to exceed one year, may be granted or denied by an Entry Control Commander. Authorizations for multiple entries for a period to exceed one year, or for special group entries, must be forwarded to CNO (OP-616) with appropriate comments and recommendations.

E. Aircraft

1. Group Authorizations. Aircraft in the following categories, except aircraft which have been denied individual authorization or have had a prior authorization revoked, may enter the defense areas indicated without individual authorization.

a. U.S. public aircraft entering any defense areas

b. U.S. private aircraft which are under charter to DOD (including the Military Airlift Command), or operating under a contract with DOD providing for such aircraft to enter defense areas as authorized by controlling Defense Department agency

c. Foreign flag aircraft for which diplomatic clearance, special arrangements, or international agreements or treaties provide for entry into the areas

d. Aircraft operated by companies authorized to use naval facilities in defense areas for regular commercial activity

e. Any aircraft in distress, subject to local clearance and control by the senior officer present

2. Individual Authorizations

a. Special Procedures. In addition to the entry authorization to enter or navigate within the defense area concerned, the following special procedures apply to aircraft.

(1) If landing at U.S. naval aviation facilities, an Aviation Facility License must be obtained, in accordance with Secretary of the Navy Instruction 3770.1B, "Use of Department of the Navy Aviation Facilities by other than United States Department of Defense Aircraft." (NOTAL)

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(2) If landing at U.S. Air Force aviation facilities, a Civil Aircraft Landing Permit must be obtained, in accordance with Department of the Air Force Regulation 55-20, "Use of United States Air Force Installations by other than United States Department of Defense Aircraft." (NOTAL)

(3) Foreign state aircraft must obtain diplomatic clearance or clearance under applicable special agreements or treaties.

b. Applications. Applications for authorization to navigate aircraft within the limits of defense areas shall be made by letter or telegram addressed to the appropriate entry control commander, as indicated in paragraph VB, with information copies to CNO (OP-616), Commander in Chief, U.S. Atlantic (or Pacific) Fleet, as appropriate, and other local commanders concerned. Applications shall include:

(1) type and serial number of aircraft (the number of aircraft in flight if a mass movement is involved), nationality and name of registered owner;

(2) name and rank of senior pilot;

*(3) number in crew;

*(4) number of passengers and whether military or civilian; include name (and rank) of distinguished passengers;

(5) purpose of flight;

(6) plan of flight route, including:

(a) point of origin of flight and its destination

(b) estimated date and times of arrival and departure at all airspaces covered by this instruction including stops within the TTPI, when pertinent;

(7) radio call signs of aircraft, and radio frequencies available;

(8) whether cameras are to be carried and whether they will be used;

*(9) whether arms are carried;

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*(10) whether authorization to land, as indicated in paragraph VE2a, has been obtained.

Information on those items marked with an asterisk (*) need not be reported when the aircraft will only overfly the areas covered by this instruction.

c. Processing. Authorization for individual entries, or multiple entries for a period not to exceed three months, may be granted by an Entry Control Commander. Authorizations for multiple entries for a period to exceed three months and applications for group authorizations must be forwarded to CNO (OP-616) with appropriate comments and recommendations.

F. Notice of Action. All applicants will be advised of action taken relative to their applications. Individuals whose applications cannot be processed promptly (usually within 10 working days), or whose applications must be forwarded to another office for processing, will be notified of the anticipated delay. Notice of disapproval shall not include a statement of the reason therefor. Copies of all notices will be distributed to commands and Entry Control Commanders concerned. Copies of all notices of disapproval will be mailed to CNO (OP-616).

VI. REVOCATION - AUTHORITY - NOTICE

Entry authorizations will be revoked only by an Entry Control Commander upon discovery of information which would be grounds for an initial denial. Revocations will be confirmed in writing to the holder of the entry authorization. No reason for revocation will be given. Upon revocation, a one-way permit will be issued, as appropriate, to permit the ship, aircraft, or person to transit out of the defense area.

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VII. APPEALS - PROCEDURES - PROCESSING

Appeals may be filed with the Entry Control Commander who issued the denial or revocation. It shall contain a complete statement of the purpose of the proposed entry and a statement of reasons why the entry should be authorized, including a showing that the entry will be consistent with the purposes of national defense.

Appeal letters shall be forwarded promptly to the next superior Entry Control Commander with an endorsement setting forth the reasons for the denial or revocation and a recommendation as to the action to be taken by the superior.

The superior may act on the appeal and notify the applicant of the decision, or he or she may forward the appeal to the next superior and notify the applicant of this referral.

VIII. LETTER FORMAT

A. Disapproval of Request for Entry Authorization

Dear _____:

Your application of _____ has been reviewed and we regret to advise you that the authorization for _____ to enter _____ is not granted as the entry at this time for the purpose stated is not considered to be in the interest of national defense.

The application may be resubmitted again in six months at which time it will be reconsidered in the light of then existing circumstances.

If you desire to appeal this decision, you may do so by submitting a letter to this office setting forth in full why you consider that the granting of the application would be in the interest of national defense, and any other information that you believe will be of value, to the person considering the appeal. Your letter will be forwarded to the appropriate authority for review, and you will be advised in due course of his or her determination.

Sincerely,

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B. Revocation of Entry Authorization

Dear _____:

This is to notify you that entry authorization to enter
_____ granted by (issuing activity) on _____
is hereby revoked effective this date.

Sincerely,

(FORMAT)